

Amendment No. 1 to HB2569

Keisling
Signature of Sponsor

AMEND Senate Bill No. 2440*

House Bill No. 2569

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 21, is amended by adding the following as a new part:

(a) As used in this section, "state" means the state of Tennessee and includes a political subdivision thereof, a public higher education system and the individual institutions governed as part of the respective system, a local education agency, a public charter school, and any other entity or instrumentality of the state of Tennessee that derives its authority from the state of Tennessee.

(b) The state shall not discriminate against, or grant preferential treatment to, an individual or group based on the individual's or group's race, sex, color, ethnicity, or national origin in the operation of any aspect of public employment, public education, or public contracting.

(c) This section does not:

(1) Prohibit bona fide occupational qualifications based on sex that are reasonably necessary for the normal and efficient operation of public employment, public education, or public contracting;

(2) Invalidate any court order or consent decree that is in full force and effect on July 1, 2022;

(3) Prohibit action required to establish or maintain eligibility for any federal program or federally funded program where ineligibility would result in a loss of federal funds to the state; or

(4) Preempt any state law in existence as of the effective date of this act that provides a preference to an individual or group of individuals with respect to public contracting and the procurement of public contracts.

(d) A person aggrieved by a violation of this section has a private right of action against the state, which may be brought in a court of competent jurisdiction, and is entitled to recover compensatory damages in an amount not to exceed the maximum statutory limitation for each respective category of compensatory damages pursuant to title 29, chapter 39, if the person prevails in an action brought pursuant to this section.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it, and, except as provided in SECTION 1(c), applies only to contracts executed, renewed, or amended on or after July 1, 2022.